Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 90 of	)	
the Commission's Rules	)	RM-
to Permit Increased	)	
Power On Certain 150 MHz	)	
Paging Frequencies	)	

PETITION FOR RULE MAKING
OF
NATIONAL ASSOCIATION OF BUSINESS AND EDUCATIONAL RADIO, INC.

The National Association of Business and Educational Radio, Inc. ("NABER"), pursuant to Section 1.401 of the Commission's Rules, 47 C.F.R. §1.401, hereby respectfully requests that the Commission amend Part 90 of its Rules to permit increased output power on certain 150 MHz paging frequencies.

NABER is a national non-profit association formed in 1965 whose members are owners and users of both large and small private two-way radio systems throughout the United States. NABER is the largest membership-based trade association in the land mobile two-way radio industry. NABER's members are the individuals and companies that use, sell, service or manufacture land mobile and fixed microwave equipment.

Headquartered in metropolitan Washington, D.C., NABER represents its members before Congress and the FCC; seeks to obtain an equitable portion of the radio spectrum for land mobile users, particularly those licensed in the Business Radio Service; and fosters the efficient use of two-way communications as an aid

to productivity and energy conservation in American business. Through its four (4) membership sections, NABER's effort to support the entire land mobile industry - from the individual two-way radio user to the largest radio equipment manufacturers and communications users. NABER is also the Federal Communications Commission's certified Frequency Coordinating Committee for the Business Radio Service.

In this proceeding, NABER requests that the Commission amend Section 90.75(c)(15) and (16) of the Commission's Rules to permit paging licensees on 158.460 MHz and 157.740 MHz the ability to use up to 350 watts output power on their systems.

BACKGROUND

There are presently four (4) paging-only frequencies in the 150 MHz band. 152.480 MHz is allocated pursuant to Section 90.75(c)(10) for paging-only use in the Business Radio Service with a maximum output of 350 watts. [1/] The frequency is also available on a secondary basis for Special Industrial and Forestry Products Radio Services two-way land mobile use. [2/] The frequencies 154.625 MHz and 158.460 MHz are also allocated for paging-only use by Business Radio licensees. However, such use is limited to fifty (50) miles or more from airports listed in Section 90.75(c)(25)(viii). [3/] Pursuant to Section 90.75(c)(15),

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[1/] 47 C.F.R. 90.25(b).

[2/] 47 C.F.R. 90.75(c)(11).

[3/] 47 C.F.R. §90.75(c)(25)(vii).

the paging-only use by Business Radio licensees is restricted to 20 watts output power. The final paging-only frequency in the band is 157.740 MHz. Pursuant to Section 90.75(c)(16), paging systems are limited to a maximum output power of 75 watts. 154.625 MHz and 157.740 MHz are also available for Special Industrial and Forestry Products Radio Services use on a secondary basis.

ALLOCATION OF 150 MHz PAGING FREQUENCIES

In Docket No. 16777, the Federal Communications Commission allocated frequencies made available in Docket No. 16776 for paging-only use. 4/ The allocation of the frequencies for the exclusive use of paging systems was made at the suggestion of NABER and other parties pointing out the need for such assignments. 5/ In the proceeding, the Commission allocated 152.480 MHz, 157.740 MHz and 158.460 MHz for such paging. At the time, the Commission authorized different power levels for each frequency in order to permit one frequency to be utilized for wide-area paging, with the remaining two frequencies envisioned for more local paging needs. 6/ At that time, the Commission utilized input power as its measure of maximum power which could be utilized for radio frequencies. Therefore, the Commission imposed the following power levels for the three paging-only

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4/ Report and Order, Docket No. 16777, 10 R.R.2d 1785 (1967).

5/ Id. at para. 4.

6/ Id. at para. 10.

frequencies: 152.480 MHz - 600 watts input power; 157.740 MHz - 120 watts input power; 158.460 MHz - 30 watts input power. [7] The Commission later refused to grant a request by the International Taxi Cab Association to decrease the permissible power on 152.480 MHz to 120 watts input. [8]

The fourth paging-only frequency in the 150 MHz band, 154.625 MHz, was allocated in 1971 as part of Docket No. 17703. [9] The proceeding created rules and policies for the utilization of tertiary frequencies in the 150 MHz band. Paging systems utilizing 154.625 MHz were permitted a maximum power input of 30 watts. [10]

In Docket No. 20665, the Commission changed the utilization of input power as a measure of frequency usage, and began utilizing the present standard of output power. [11] Thus, power limitations on the four paging-only frequencies were changed to the present limitation contained in the current Rules.

In the 460 MHz band, there are nine paging-only frequencies, eight of which permit 350 watts output power. There are also

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[7] Id. The new Rules became Sections 91.554(b)(25), (26) and (27).

[8] Memorandum Opinion and Order, Docket No. 16777, 13 R.R.2d 1524 (1968). NABER opposed this request.

[9] Report and Order, Docket No. 17703, 36 FR 12102 (June 25, 1971).

[10] The power limitation was originally contained in Section 91.554(b)(47).

[11] Report and Order, Docket No. 20665, FCC 76-715, released August 11, 1986.

frequencies allocated for private carrier paging in the 929-930 MHz band, allocated in PR Docket No. 80-183. [12/]

CURRENT UTILIZATION OF 150 MHz PAGING FREQUENCIES

The 150 MHz paging frequencies offer certain advantages over the frequencies available in the higher bands. First, as a general rule, 150 MHz band frequencies offer better coverage than 460 MHz and 900 MHz frequencies. Further, the current cost of equipment is greater for 460 MHz and 900 MHz paging channels, which increases the start-up costs, as well as the costs of pagers for companies desiring to initiate service to eligible users. Thus, the frequencies are often perceived by applicants as not being equal in terms of ability to serve the licensee.

As a result of the Commission action in PR Docket No. 83-737, wherein the Commission lifted the restriction on initiation of Private Carrier Service below 800 MHz, the majority of the applications received by NABER for 150 MHz frequencies are from private carrier paging companies. Based on the factors described above, 152.480 MHz is often the more desirable paging frequency for such companies and the frequency requested by applicants. Consequently, the majority of private carrier paging applications NABER initially receives requests 350 watts output power and licensing on 152.480 MHz. This has resulted in a significant number of co-channel licensees on 152.480 MHz in many areas.

[12/] Memorandum Opinion and Order, Gen. Docket No. 80-183, 55 R.R.2d 427 (1983).

In recognition of the growing demand for use of 152.480 MHz, NABER has suggested that applicants which desire the utilization of 350 watts output power accept frequency recommendations on 460 MHz or 929 MHz frequencies. Applicants frequently respond that the equipment costs of the other bands are too great, or the applicant claims that they are already in possession of the equipment for the 150 MHz band, or that their propagation requirements necessitate the use of the 150 MHz band.

There are presently several license disputes before the Commission concerning the use of 152.480 MHz, wherein a present licensee objects to the licensing of an additional user on the channel. 13/ In each instance, the complaining party asserts that the frequency is heavily used in the area of operation and that the grant would jeopardize their operations. NABER has received several similar objections from other licensees.

In order to attempt to alleviate this problem, NABER requests that the Commission permit increased power levels on two of the three remaining 150 MHz paging frequencies. This will enable applicants to have additional options for paging channels in the 150 MHz band. NABER's proposal would promote spectrum efficiency by permitting increased utilization of channels which may have the capacity for additional users. Specifically, NABER recommends that the Commission amend Section 90.75(c)(15) and (16) of the Commission's Rules to permit paging licensees on

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13/ See, for example, File Nos. 107047, 94518, 98787, 112596 and 112597.

158.460 MHz and 157.740 MHz the ability to use up to 350 watts output power on such frequencies.

NABER'S PROPOSAL SHOULD NOT ADVERSELY EFFECT EXISTING 158.460 MHz and 157.740 MHz USERS

Should the Commission grant NABER's request and amend its rules, it is NABER's belief that existing users utilizing lower power paging systems should be protected under their current authorizations. Further, new licensees operating with increased power should be required to protect existing facilities. In performing coordination on the frequencies, NABER would consider such existing facilities in determining an appropriate frequency for the applicant.

Protection of current lower power users may result in the inability on NABER's part to recommend 158.460 MHz or 157.740 MHz to higher power applicants in some areas of the country where such frequencies are overcrowded with current users. However, in areas where frequency recommendations can be issued for 158.460 MHz and 157.740 MHz licensees will have the ability to utilize their systems in a less congested operating environment.

In situations where NABER is unable to recommend 158.460 MHz or 157.740 MHz to applicants requesting higher power because of existing congestion, such applicants may be able to offer to lower power licensees the ability to receive service from the private carrier applicant in return for the lower power licensee's surrender of its license. Thus, applicants may be able to negotiate with existing users to enable private carrier use of the frequency. Spectrum efficiency will be obtained as the lower power licensee will be able to reach a wider area while

at the same time the frequency is able to accommodate a higher number of paging units.

New applicants which require lower power systems should still be able to have their requests accommodated, as such applicants may utilize 154.625 MHz for their systems.

ADJACENT CHANNEL LICENSEE PROTECTION

Licensees in the Taxicab, Forest Products and Petroleum Radio Services utilize frequencies 15 kHz apart from 158.460 MHz and 157.740 MHz. Adoption of NABER's proposal should not negatively impact such licensees use of the adjacent frequencies. In this regard, licensees in the Taxicab, Forest Products and Special Industrial Radio Service presently utilize 152.465, which is 15 kHz apart from 152.480 MHz. 152.480 MHz is used for Business paging with 350 watts permissible output power.

NABER coordinates requests for the 150 MHz paging frequencies pursuant to Section 90.173(f) of the Commission's Rules, which requires certain separation distances between stations which are 15 kHz apart. This rule section will continue to protect users on frequencies adjacent to 158.460 MHz and 157.625 MHz.

CONCLUSION

WHEREFORE, the National Association of Business and Educational Radio, Inc. respectfully requests that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

NATIONAL ASSOCIATION OF
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